

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *Whe* D.C.

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PAT JOHNSON,

Plaintiff,

v.

RELIANCE STANDARD LIFE
INSURANCE COMPANY,

Defendant.

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No. 05-2069 M1/V

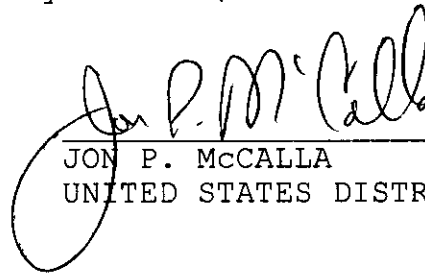
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ORDER DENYING DEFENDANT'S MOTION TO DISMISS AS MOOT

Before the Court is Defendant's Motion to Dismiss Plaintiff's Complaint, filed January 26, 2005. Plaintiff originally filed a Complaint in the Circuit Court of Shelby County, Tennessee, asserting claims under Tennessee law for bad faith breach of contract and for violation of the Tennessee Consumer Protection Act. On January 26, 2005, Defendant filed a notice of removal to this Court contemporaneously with a motion to dismiss, asserting that Plaintiff's claims were preempted by the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001 et seq.¹ On May 10, 2005, Plaintiff filed an Amended Complaint asserting claims only under ERISA. Accordingly, Defendant's motion to dismiss is DENIED as moot.

¹ Defendant did not file an answer to Plaintiff's Complaint.

So ORDERED this 16th day of June, 2005.



JON P. McCALLA
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 10 in case 2:05-CV-02069 was distributed by fax, mail, or direct printing on June 17, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT